



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P. (MD) No.1695 of 2021

WEB COPY

S.Palanisamy

... Petitioner/Petitioner

versus

1. Thiru. Shivalingam,
The General Manager,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

2. Tmt.Bhama,
The Administrator,
Tamilnadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

... Contemnors/Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying and not complying with the order of this Court dated 02.03.2021 in W.P.(MD)No.4198 of 2021.

Prayer in WP(MD). 4198/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue Writ of Mandamus directing the respondents to pay interest at the rate of 18 percentage per annum, for the period of delay from 01.05.19 to 24.01.21 in paying the amounts paid towards the terminal and pension benefits of the petitioner namely EPF Employees Contribution, Gratuity, Encashment of Earned /Sick Leaves and Commuted Value of Pension, within a time frame as may be fixed by this Honble Court and without affecting his right to claim balance amounts towards those benefits and thus render justice.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.S.C.Herold Singh

ORDER

Today, when the matter is taken up for consideration, the learned counsel appearing for respondents submits that the order of

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this Court dated 02.03.2021 passed in W.P.(MD)No.4198 of 2021 has been complied with, by paying interest at the rate of 6% to the petitioner on the belated payment of the retirement benefits.

2. However, the learned counsel for the petitioner objected the same that for the commutation amount, the respondents have not paid any interest as ordered by the Court.

3. This Court, vide order dated 02.03.2021, directed the respondents to pay interest to the petitioner at the rate of 6% p.a. on the belated payment of retirement benefits, commencing from the date of retirement till the date of actual disbursement. According to the learned counsel for the respondents, interest on the belated payment of retirement benefits was settled to the petitioner. However, the grievance of the petitioner is that the interest was not paid to the commutation amount.

4. Commutation of Pension means payment of lump sum amount in lieu of a portion of pension surrendered voluntarily by the petitioner based on duration of period in relation to the age. This is purely an optional facility provided by the Government to the pensioner. The duration is fixed with reference to age. If any employee commutes a portion of pension, such portion of the pension shall be deducted from his monthly pension for a period of 15 years from the date of such commutation. The commuted portion will be restored after 15 years by the pension disbursing officer.

5. The commutation amount is for future pension. The petitioner can either waive or get the benefit through his pension. Therefore, the non-payment of interest for the commutation amount cannot be treated as violation of order of this Court. Accordingly, the Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. Thiru. Shivalingam,
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Dindigul.
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+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-3018[F] dated
31/01/2022)

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PK (CO)
KB (31.03.2022) 3P 4C